

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE EASTERN DISTRICT OF VIRGINIA**  
**RICHMOND DIVISION**

In re:

**CIRCUIT CITY STORES, INC.,**

et al.,

## Chapter 11

**Case No. 08-35653 (KRH)**

Respondent

**RICHMOND DIVISION**  
**FILED**  
**MAR 26 2010**  
**CLERK**  
**US BANKRUPTCY COURT**

**ASHLEY ISAACS' RESPONSE TO THE DEBTORS' OBJECTION  
TO MOTION TO ALLOW THE PROOF  
OF CLAIM OF ASHLEY ISAAC AS TIMELY FILED AND  
OBJECTION TO DEPOSITION**

**Comes Now, Ashley Isaac, *pro se*, in pursuant to Rule 7004 of the Federal Rules Bankruptcy Procedure and files this motion: Rule 7004 requires that the summons or copy of the complaint be mailed or served upon all parties at their residence or place of business. Ms. Isaac was an employee of Circuit City Stores, Inc. located at 4153 Creekside Avenue in Hoover, Alabama. The debtors were aware of Ms. Isaacs' place of business and did not attempt to serve her with the claims bar date notice. The Debtor filed a Notice of Service by Publication by means of the Wall Street Journal and the Richmond Times. At the time of the Debtors filing Ms. Isaac resided at Eagle View Apartments with her sister and brother- in- law. The Wall**

Street Journals principal place of business is located in New York City, New York, and the Richmond Times. Ms. Isaac resides in the state of Alabama and has never read the Wall Street Journal or the Richmond Times, see Exhibit A. Therefore the debtor never served Ms. Isaac by any means. The debtor failed to provide or file an objection to her motion within 30 days:

***(a) Objections to claims.***

*An objection to the allowance of a claim shall be in writing and filed. A copy of the objection with notice of the hearing thereon shall be mailed or otherwise delivered to the claimant, the debtor or debtor in possession and the trustee at least 30 days prior to the hearing.*

Granting the debtors motion will force an unjust burden on the movant.

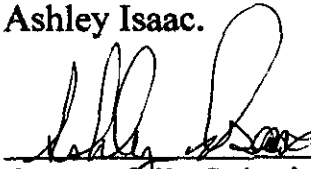
**FACTUAL BACKGROUND**

On November 10, 2008 (the "Petition Date"), the Debtors filed with the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the "Court"), their voluntary petitions for relief under chapter 11 of title 11 of the United State Code (the "Bankruptcy Code") commencing the above-captioned chapter 11 cases. On May 13, 2009 the movant filed a civil lawsuit against the debtor in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION. Ms. Isaac was not aware that she was required to file a proof of claim until after the Honorable Judge William M. Acker dismissed the case **without prejudice**.

**OBJECTIONS TO DEPOSITION**

**To MCGUIREWOODS LLP attorney of record for Circuit City Stores, INC PLEASE TAKE NOTICE that, Ashley Isaac, the in the above action, objects to Circuit City Stores, INC on the grounds that Ashley Isaac resides in the state of Alabama and cannot commute to Richmond, VA. If Ms Isaac were compelled to commute it will inflict an unnecessary financial hardship seeing that she is unemployed.\**

Wherefore, Premises considered, I respectfully pray that this Court rule against the Debtors' Objection and grant the late proof of claim filed by Ashley Isaac.

  
Respectfully Submitted,


# **EXHIBIT A**



### **CERTIFICATE OF SERVICE**

I certify that a true and exact copy of the forgoing will be hand delivered, postage pre-paid mail delivered, or electronically mailed to the following counsel:

MCGuirewoods LLP  
One James Center  
901 Cary Street  
Richmond, Virginia 23219  
(804) 775-1000

  
Ashley Isaac

